



Chairman's Report

Section of International Law

American Bar Association

I am pleased to submit this report which summarizes the activities of the Section of International Law for the association year 1979-1980, the 47th year since its organization in 1933.

Meetings

The Section and Council met at the Annual Meeting held in Honolulu, Hawaii, August 1-5, 1980, and at the Spring Meeting in Washington, D.C., April 17-18, 1980. The Chief Justice of the United States Supreme Court attended our Spring Meeting reception.

The Section's successful Annual Meeting in Honolulu was well-attended due to excellent educational and social programs and the contested election for Chairman-Elect. Charles N. Brower, Esq., an active member and officer in the Section since 1974, a graduate of Harvard College and Law School, and former Deputy and Acting Legal Adviser to the United States State Department, was nominated by the Nominating Committee and elected by the section to succeed Lyon L. Brinsmade, Esq.

The Council's Midwinter Meeting was held in Puerto Vallarta, Mexico, January 11-14, 1980, and was attended by ABA President Leonard S. Janofsky and the President of the Mexican Bar Association was an honored guest. The officers of the section also met in Washington, D.C., on September 9, 1980.

At the February 1980, Midyear Meeting in Chicago, the House of Delegates approved a recommendation of the section which welcomes the decision and order of the International Court of Justice of December 15, 1979, directing the immediate release of United States citizens held hostage in Iran and calling on all countries to support the enforcement of the decision and order. The House of Delegates also adopted a recommendation cosponsored by the section and the Section of Natural Resources Law which supports passage of interim deep sea bed mining legislation to establish a stable legal regime for the development of deep ocean mining and a framework for environmental protection pending the conclusion of a law of the sea treaty.

At the Annual Meeting, the section's resolution favoring a polar policy that recognizes the applicability to the Arctic region of general principles of international law, therefore opposing the "sector principle," was adopted by the House of Delegates.

Section Resolution

At the April 1980, Spring Meeting, the section adopted a resolution, which

recommended the ABA go on record in support of ratification by the United States of the Agreement Governing Activities of States on the Moon and Other Celestial Bodies subject to certain understandings and declarations. This matter was not submitted to the House of Delegates for approval due to objections raised by the Section of Natural Resources Law.

Blanket Authority

For the first time, we utilized the association's blanket authority procedure in conjunction with the Section of Administrative Law for the purpose of presenting technical comments on proposed United States Treasury Regulations relating to countervailing duties and antidumping, as well as proposed International Trade Commission Regulations governing injury investigations. There was no opposition within the association to the presentation of these comments.

Continuing Legal Education Programs

The variety and success of the section's educational programs are due to the dedication of many members to whom we are very much indebted.

Legal Aspects of International Banking

The section sponsored a very successful National Institute on Legal Aspects of International Banking in New York City on February 14-15, 1980, which was chaired by Gerold Libby. Two hundred and six people attended this program which consisted of panel discussions on various subjects relating to international banking. David Rockefeller, chairman of the board of directors of the Chase Manhattan Bank, was the keynote speaker at the Institute luncheon.

Problems in Transnational Litigation

The section also sponsored, in conjunction with the Section of Litigation, a successful one-day workshop on the subject of international litigation which was held in Washington D.C., on April 16, 1980. This workshop, cochaired by Peter Trooboff and Stephen Boyd, concentrated on the substantive and procedural issues that American litigators encounter in preparing and trying cases which involve foreign parties, law or evidence.

Doing Business in Mexico

The section also held a continuing legal education program at its Midwinter meeting on certain aspects of doing business in Mexico. Dan Evans, program chairman, presented an excellent program. This is the second year the section has provided educational programs at Midwinter meetings, and because of the excellent reception, it will be continued next year.

Law of Codetermination

On May 16-18, 1980, the section sponsored a program on the law of code-termination in Ditchley Park, England for the purpose of investigating the current law in Europe and its possible application in the United States. Experts from Western Europe, Australia and the United States were brought together for a productive session on an issue made most timely by the selection of Douglas A. Fraser, president of the United Auto Workers, to the board of directors of Chrysler Corporation.

Annual Meeting Program

The section presented an excellent educational program at the ABA Annual meeting. This year extra efforts were made by Robert Moore and Gerold Libby, cochairmen of the program, to cooperate with a number of sections and standing committees in order to avoid duplication. The section participated in the Sydney, Australia portion of the Annual Meeting, as well.

Amendments to Section Bylaws

At the Spring Meeting of the section, the membership voted to approve an amendment to the section's bylaws which provide for a more flexible divisional structure within the section and an amendment which gives the council stand-by authority to raise section dues to a ceiling of \$30 for regular members and associate members and \$25 for law student members without further amendment to the bylaws. No increase in the present dues of \$15 and \$5, respectively, was adopted.

International Legal Exchange Program

In August of 1979 the Section of International Law assumed financial responsibility for and operation of the Association's International Legal Exchange (ILEX) Program. The program is now designed to facilitate the following legal exchange activities: individual placements of foreign attorneys in United States law offices and vice-versa; programming of foreign visits of foreign judges and lawyers to the United States for the purpose of a comparative study, funded by their government or by the United Nations; arranging group travel study programs overseas for United States lawyers and making programmatic arrangements for foreign groups of lawyers visiting the United States.

ILEX participated in a group seminar on law and development in Taiwan in March which was sponsored by the Chinese Society of Comparative Law. In attendance were the President-Elect and six governors of the association with Lyon Brinsmade leading a contingent of section members.

Cooperation with Other ABA Entities

The section continues to strive towards improved cooperation, communi-

cation and coordination with other ABA entities which have an interest in one or more of the many facets of international law. Much progress has been made by the section in the past several years to assume appropriate leadership and responsibility within the ABA for international legal affairs. The section does not view its role as excluding ventures by other ABA entities, except in those few areas where the section has recognized and dominant knowledge and expertise.

During the past year the section opposed a broad expansion of the name and function of the ABA Standing Committee on Customs Law into the international trade area. The section amply demonstrated that it was competent, active and committed to representing the ABA in this area.

In many other areas the section believes it can and should act as the focal point within the ABA to avoid duplication and confusion to others outside and within the ABA family. For example, the section's Committee on People's Republic of China has been designated as the clearinghouse within the ABA for contacts with the People's Republic of China. Don Wallace, Jr., serves as a liaison between the ABA and the Department of State by representing the section on the Secretary of State's Advisory Committee on Private International Law.

Publications

The Section has issued the following publications during the past association year: *Attitudes of the People's Republic of China to International Commercial Trade* and *Settlement of International Disputes between Canada and the USA*. Bruce Jenett, chairman of the committee, did an outstanding job in his first year.

Membership

Section membership increased to a record of 9,314 as of July, 1980, including 7,576 lawyers, 1,504 law students and 234 associate members.

Collegial Leadership

Finally, I would be remiss if I did not express my sincere appreciation for the individual assistance and advice given to me during my chairmanship by Don Wallace and Lyon Brinsmade. I consulted in-depth with Don and Lyon at least once a month in order to provide the section with the continuity of leadership too often lacking in voluntary organizations where the chairman serves for one year. The common goal we established was to strive to make our section the preeminent group of practicing international lawyers. I know that we shall continue to make progress in that direction under Lyon Brinsmade's leadership.

Respectfully submitted,
Leonard J. Theberge, Chairman
Section of International Law

August, 1980